

Board of Selectmen  
June 25, 2013

A meeting of the Rockport Board of Selectmen was held on Tuesday, June 25, 2013 in Conference Room A in Town Hall. Present were five selectpersons, the Town Administrator, and the Asst. to the Town Administrator, Selectperson Murphy stepped out after Executive Session and before the Action List.

Executive Session: Selectperson Murphy moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3: to discuss strategy with respect to anticipated litigation and Exception #10 to discuss confidential Information; seconded by Selectperson Sheedy. Roll Call Vote: Selectperson Sheedy – aye, Selectperson Murphy – aye, Chairperson Battistelli – aye, Selectperson Wilkinson – aye, Selectperson Lucas – aye, all in favor.

Executive Session

Chairperson Battistelli stated: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position and we will reconvene in Open Session”.

Selectperson Wilkinson moved that the Board leave Executive Session, seconded by Selectperson Lucas, roll call vote: Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, all in favor.

Selectperson Sheedy moved that the Board of Selectmen approve the minutes of May 28, 2013, Selectperson Lucas seconded, Vote: 3-0, Selectperson Murphy absent, Chairperson Battistelli not present at 5/28/13 meeting.

Approve Minutes of  
5/28/13 meeting  
Motion Approved

Selectperson Lucas moved that the Board of Selectmen approve the minutes of June 11, 2013, Selectperson Sheedy seconded, Vote: 3-0, Selectperson Murphy absent, Selectperson Wilkinson was not present at the 6/11/13 meeting.

Approve Minutes of  
6/11/13 meeting  
Motion Approved

Selectperson Wilkinson moved to add an agenda item to tonight’s meeting, approval of an adjustment for the Asst. Town Clerk for her FY ’13 salary, seconded by Selectperson Sheedy, Vote: 4-0. Chairperson Battistelli stated that at the Board’s last regular meeting a salary adjustment was approved for the Asst. Town Clerk for FY ’13. There was a miscommunication; the Personnel Board approved the adjustment for FY ’14.

Add item to tonight’s  
agenda – salary  
adjustment for Asst.  
Town Clerk  
Motion Approved

Selectperson Wilkinson moved to approve a salary adjustment for the Asst. Town Clerk’s salary for FY ’13 to \$42,000, Selectperson Sheedy seconded, Vote: 4-0.

Approve salary  
adjustment for Asst.  
Town Clerk pay rate  
Motion Approved

Selectperson Wilkinson nominated Paul Sena as a member of the Board of DPW Commissioners for a three year term to expire on June 30, 2016. P. Sena stated that he is interested in some of the large projects such as Penzance Road, the Bearskin Neck Breakwater, and Long Beach and he is the DPW representative to the CPC. Chairperson Battistelli commended the DPW Commissioners on the addition of the Sunday transfer station hours for the busy season. Another quarterly meeting for the Commissioners to present to the Board of Selectmen will be scheduled. P. Sena stated that a workshop on the Transfer Station is being held tomorrow at 7pm at the library. Selectperson Wilkinson moved to appoint P.

Nominated Paul  
Sena as DPW  
Commissioner  
Motion Approved

Sena to the DPW Commissioners for a three year term to expire on June 30, 2016, seconded by Selectperson Sheedy, Vote: 4-0.

Nominate Carl Engel  
to Finance Committee  
No vote taken, vote  
at next meeting

Selectperson Sheedy nominated Carl Engel as a member of the Finance Committee for a three year term to expire on June 30, 2016, seconded by Selectperson Lucas. He stated that he has been on the School Committee for six years; he stated he had been involved with contract negotiations and he worked well with the Finance Committee. He is a chiropractor with offices here and in Hamilton.

S. DeMarco  
nomination to  
Historic District  
Commission  
Postponed

Stephen DeMarco's nomination as a member of the Historic District Commission for a three year term to expire on June 30, 2016 will be postponed to the next agenda.

Nomination of Dog  
Officer, M. Cabral and  
A. Lucas  
No vote taken, vote  
at next meeting

Selectperson Lucas nominated Mindy Cabral as Dog Control Officer for a one year term to expire on June 30, 2014. M. Cabral said the hours of the position vary; she said she makes telephone calls, checks the beaches, and drives around town as part of the job. She said that people not picking up after their dogs and chronic barking dogs are the big issues; the stipend is approximately \$8,000/year. Selectperson Sheedy stated that she is recusing herself from the interview due to a disagreement between she and M. Cabral.

Selectperson Lucas nominated Andrea Lucas as Dog Control Officer for a one year term to expire June 30, 2014. A. Lucas stated that she is a lifelong Rockport resident, is a veterinary assistant and is very familiar with dogs and training. She presented the Board with letters of support from Dr. Cahill and Dr. Lockwood.

Selectperson Lucas inquired if any complaints about the current dog officer have been received. The Town Administrator said yes, most were results of being the dog officer; it's difficult when you're enforcing dog laws. She said there have been situations where the Dog Officer has one position and the resident has another position. Selectperson Wilkinson stated that if we wait until the next meeting, we could use these two weeks to see if additional public comments about either candidate for dog officer are received. She said she has heard mixed comments from residents regarding the current dog officer and it's nice to see that someone else in town has stepped forward to seek this position.

Selectmen Updates &  
Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Sheedy stated that she was at five corners on Elder Awareness Day. Selectperson Lucas stated she attended the Peace Festival, it was stated that it was not in Millbrook Meadow this year; it was at Harvey Park. It was commented that the Farmer's Market started last Saturday.

Public Comment  
Period

Public Comment Period:

T. Arsenian, 95 Granite Street, stated that two weeks ago he had a public comment on the Tool Company site; and he said he's been hoping for a response. He stated Jami Medeja's comment about the town bringing in more revenue with the new proposal needs confirmation. He said Alex Strysky, from the DEP, does not intend to have a decision with the 60 days from the public hearing. He recommends that the Board keep in touch with the DEP. Chairperson Battistelli stated that she has checked with the Assessor's Office, on T. Arsenian's question

of the tax abatement that may be tied to the site as a contaminated site, to look into this to see if there ever was an abatement. Also she said the issue of the variance, and the sign currently up on an industrial use sign is being reviewed. T. Arsenian inquired about the Chapter 91 license and who owns the seabed of the harbor.

Frederick Tarr, 154 Main Street, agrees with T. Arsenian, getting plans available for inspection on the MBTA plans. He is concerned about the drainage and concerned about more floods. Chairperson Battistelli stated that the lines of communication are open. Atlantic Path, ROW committee, other towns are making money on these walks. The path has been blocked, it's impossible to get through, the section just before the park. He inquired if the Town Administrator could contact the person in charge of the Hooper property, to reinstitute that and potentially boost tourism.

Claire Marotta, 13 South Street, stated that there is a great deal of work being done within the historic district. On South Street, going toward Caleb's Lane, there appears to be no certificate of appropriateness. She is very concerned that after positive meetings, the results are different than what was agreed upon. She stated she has placed several calls to the Historic District; she questions how to contact the members. Chairperson Battistelli stated that we need to see if this violates a by-law. C. Marotta stated that it's not attractive and not what was expected. She stated that it takes a lot of sweat equity to live in the historic district. Also, the front fence is down, a 6' tall fence was visible from the public way. She stated she met with the Traffic Committee, curb cut coming off of their property out onto Caleb's Lane, and Caleb's Lane at the top is 10' wide, she stated that this is a disaster; it's an accident waiting to happen.

Selectperson Wilkinson stated that she has heard from several people that the information is not always up to date on the website on how to contact the various town committees.

Zenas Seppala: Spoke on the proposed floats for the Tool Company. There was a re-orientation to some being parallel to floats and some being perpendicular. The boats would all face in North/South direction. These drawings were preliminary; there is a disagreement here. He concluded that the July 7 ruling by the DEP is coming soon.

Margaret (Meg) Jarrett, 5 Norwood Avenue, recommended a procedure packet for licensing dogs, information on barking ordinances, etc. She continued that she met the dog officer, under not such great conditions, after getting a new dog. She received some tickets and was completely unaware of the system.

Chairperson Battistelli recommended having a brochure explaining the process available at the Town Clerk's office. The Town Administrator stated she is in favor of the town having a packet of information for new dog owners.

The Asst. Dog Officer stated that there is information on the website.

T. Arsenian, 95 Granite Street stated that he would like to comment on having contact information on town committees, they are all listed in the town report,

however, it becomes outdated throughout the year. Having it on the website is not helpful for those residents without computers. All of this information should be available at the Town Clerk's office.

Action List:

Action List:

Nomination to Council  
on Aging – postponed  
to next agenda

Selectperson Lucas nominated Maureen Beeley to the Council on Aging for a three year term to expire on June 30, 2016, seconded by Selectperson Sheedy. To be postponed to next agenda.

Nominations to  
Thacher/Straitsmouth  
Islands Committee  
Postponed to next  
agenda

Selectperson Sheedy nominated David Delaney to the Thacher/Straitsmouth Islands Town Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Lucas. To be postponed to next agenda.

Selectperson Lucas nominated Frederick Tarr to the Thacher/Straitsmouth Islands Town Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Murphy. To be postponed to next agenda.

Nomination to  
Millbrook Meadow  
Committee  
Postponed

Selectperson Murphy nominated Kimberly Jones to the Millbrook Meadow Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Sheedy. To be postponed to next meeting.

Appoint Cultural  
Council Member  
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen appoint Janice Beacham to the Cultural Council for a one year term to expire on June 30, 2014, seconded by Murphy, Vote: 5-0.

Appoint Granite Pier  
Committee Member  
Motion Approved

Selectperson Sheedy moved that the Board of Selectmen appoint Michael Tupper to the Granite Pier Committee for a one year term to expire on June 30, 2014, seconded by Selectperson Murphy, Vote: 5-0.

Appoint Insurance  
Committee member  
Motion Approved

Selectperson Lucas moved that the Board of Selectmen appoint Russell Dailey to the Insurance Committee for a three year term to expire on June 30, 2016, seconded by Selectperson Wilkinson, Vote: 5-0.

Sign amended and  
restated CDBG note  
Motion Approved

Selectperson Murphy moved that the Selectmen approve and sign the Amended and Restated CDBG Note that restates the Original Note from the Rockport School Limited Partnership with Rockport Affordable Housing, Inc. who is assuming the obligations under the Original Note of December 12, 1996, seconded by Selectperson Sheedy, Vote: 5-0.

Approve and sign the  
Estoppel Certificate  
Rockport Affordable  
Housing, Inc.  
Motion Approved

Selectperson Wilkinson moved that the Selectmen approve and sign the Estoppel Certificate dated June 25, 2013 certifying Rockport Affordable Housing, Inc. as successor in interest to the Rockport School Limited Partnership, seconded by Selectperson Murphy, Vote: 5-0.

Approve and sign  
Subordination  
Agreement  
Motion Approved

Selectperson Sheedy moved that the Selectmen approve and sign the Subordination Agreement dated June 25, 2013 which subordinates the Town's mortgage on the former tenant's leasehold interest to the USDA's mortgage to Rockport Affordable Housing, Inc., seconded by Selectperson Wilkinson, Vote: 5-0

Selectperson Lucas moved that the Selectmen approve and sign the Master Subordination Agreement dated June 25, 2013 made by and among the Cape Ann Savings Bank, the Massachusetts Department of Housing and Community Development, the North Shore HOME Consortium, HarborLight Community Partners and Rockport Affordable Housing, Inc., seconded by Selectperson Murphy seconded, Vote: 5-0.

Approve and sign  
Master  
Subordination  
Agreement  
HarborLight  
Motion Approved

Selectperson Murphy moved that the Selectmen approve and sign the agreement with Waterline Industries Corporation to provide Fine Bubble Repairs to the Rockport Wastewater Treatment Plant Aeration Tanks for the sum of \$41,621.00, seconded by Selectperson Sheedy, Vote: 5-0.

Approve and sign  
Waterline Industries  
Fine bubble repairs  
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen grant permission to the Rockport Navy Committee to place a scale model of a submarine based on a trailer on the ocean side of the Bandstand at the American Legion property on Friday, July 12, 2013 from 5 pm to 8 pm and in front of Brackett's Oceanview Restaurant at 25 Main Street on Sunday, July 14, 2013 from 7 am to 11 am, seconded by Selectperson Sheedy, Vote: 5-0.

Grant Permission to  
Rockport Navy  
Committee model  
of submarine  
Motion Approved

Selectperson Sheedy moved that the Board of Selectmen accept the resignation of Linda Landry as Asst. Treasurer/Collector Clerk effective July 1, 2013, seconded by Selectperson Wilkinson, Vote: 5-0.

Accept resignation  
of Asst.  
Treasurer/Collector  
Motion Approved

Selectperson Lucas moved that the Board of Selectmen grant an Outdoor Display Permit to Himalayan Crafts for 2013, seconded by Selectperson Murphy, Vote: 5-0.

Outdoor Display  
Permit Himalayan  
Crafts,  
Motion Approved

Selectperson Wilkinson stated that Four Chimneys had several mannequins hanging over the weekend with no permit; this is a yearly requirement.

Selectperson Murphy moved that the Board of Selectmen grant permission to Brian Heath to place three tables outside the Heath's Tea Room Restaurant building, seconded by Selectperson Sheedy, Vote: 5-0.

Permission for 3  
outside tables at  
Heath's Tea Room  
Motion Approved

Selectperson Wilkinson moved to schedule additional Board of Selectmen meetings on:

- 07/16/13 Open Meeting Law/Conflict of Interest Meeting
- 10/23/13 Town wide information system technology
- 05/21/14 The second town wide information system technology meeting, Vote: 5-0.

Additional Board of  
Selectmen Meetings  
7/16/13, 10/23/13  
and 5/21/14  
Motion Approved

Year End Transfers: Selectperson Sheedy moved that the Selectmen approve the Year End Transfers dated June 25, 2013 as follows:

- 1) \$1,360.00 from Census Expense to Assistant Town Clerk Wages
- 2) \$1,613.63 from Firefighter Stipends to Fire Engineer Expenses
- 3) \$558.88 from Firefighter Stipends to Fire Equipment
- 4) \$1,590.24 from Firefighter Stipends to Fire Communications Services
- 5) \$259.33 from Firefighter Stipends to Fire Alarm Maintenance
- 6) \$504.00 from Firefighter Stipends to Fire Station Electricity
- 7) \$145.20 from Firefighter Stipends to Fire Station Electricity
- 8) \$90.69 from Firefighter Stipends to Fire Station Electricity
- 9) \$1,225.00 from Economic Dev Exp to Insurance Expenses

Year End Transfers  
Motion Approved

- 10) \$1,800.00 from Economic Dev Exp to Recreation Expenses
  - 11) \$2,411.00 from Economic Dev Exp to Medicaid Expenses
  - 12) \$3,556.29 Library from part-time, less than 20 hr wages, to library bldg. and grounds,
  - 13) \$3,556.48 Library from part-time, less than 20 hr wages, to library bldg. and grounds
- Seconded by Selectperson Murphy, Vote: 5-0.

#### Selectmen Hearing

Basketball in the Street Layout: Richard Vassallo was here regarding an in ground basketball hoop that has been in place since 6/19/10. He stated that there was complete transparency when the hoop was installed; he stated it has been used by their neighbors. The town owns three feet on either side of the road. It is not in the road, but it is in the road layout. The complaint was made two years after the installation of the hoop. He said the same resident who complained about the hoop offered funds at the time of installation. Mr. Vassallo said he had spoken to the building inspector about whether the neighbor's home was a single or two-family home, because they were renting a portion of their home. Then the complaint about the hoop was made.

J. Parisi, DPW Director, said this came to his attention because he heard from a neighbor. The hoop is located a few feet off of their property. He said, in his opinion, it would be best to remove it from the roadway layout. Other hoops in town were investigated, most are portable; one other permanent hoop in town is being removed.

Selectperson Murphy stated he is concerned that this was allowed on our watch. There are others in town; he questioned if others are going to be forced to remove them.

Selectperson Wilkinson said that going forward we should be more careful.

The Town Administrator stated there is no record of an approval on this.

DPW Director, J. Parisi, stated that Dig-Safe was contacted at the time of installation to mark down any utilities that were there. The town didn't issue any permit. There should be some authorization if the town is going to allow any structures in the roadway layout. J. Parisi stated that there is a liability issue for the town here if someone is hurt.

Chairperson Battistelli said we're being asked to reverse a decision by the Traffic Committee.

The Town Administrator stated that, since the complaint was made, highway people were sent out to inventory these items in town and everyone who had one was contacted.

There is a by-law on any permanent structures being on the street layout, Chapter 11 Section 1, Obstruction of Streets and Sidewalks, prohibits obstructing any street or sidewalk without a permit.

Selectperson Sheedy questioned if we are going to ask everyone to remove the items in the roadway layout.

T. Arsenian, 95 Granite Street, stated that this should be handed off to the DPW Commissioners for encroachments in public ways, or the Traffic and Parking Committee.

The DPW Director recommended issuing a permit for this hoop, if the Board of Selectmen didn't want to remove the hoop.

Selectperson Murphy moved that the DPW issue a permit for the hoop, seconded by Selectperson Lucas, Vote: 5-0. Selectperson Sheedy stated she is fine with it as long as the permit can be revoked if necessary.

Placing reflectors on the hoop was suggested.

#### 9:10 Discussion Items

Discussion Items:

Community House Policies: Pictures of the Community House had been circulated after groups rented the space to show how the building is not being cared for. The fees for renting the building should be looked at again and the building needs professional cleaning. A non-refundable deposit, if the building is damaged or not left in the way it was found, was discussed. Hiring a building coordinator to handle the scheduling, cleaning, paperwork, etc., was discussed; perhaps a position with a stipend.

Community House  
Policies

T. Arsenian, 95 Granite Street, questioned if local churches should be contacted to see if any sextons would like the job.

It was decided that Board members would review the draft policies and get edits to Selectperson Sheedy. This item will be added to the action list for a subsequent meeting. Tasks to be completed are: review the fee schedule and develop a job description for the coordinator position (opening and closing the building, handling the reservations, ensuring the building is clean, etc.). Chairperson Battistelli offered to review the fees before the next meeting.

Other Business/Announcements: Selectperson Murphy questioned if the Declaration of Independence is being read at the 4<sup>th</sup> of July Parade, it was stated it was being read by Jack Reed.

Other Business/  
Announcements

Chairperson Battistelli stated that the Town Administrator was going to get a reminder in the newspaper that private fireworks displays are illegal.

The Town Administrator stated that Long Beach is being worked on. There will be a decision tree available for the Board of Selectmen. The questions are "sell" or "not sell", if the answer is "yes", then the question is by its entirety or by parcel, if the answer is "not sell" do you want to retain it, if "yes", for full use would be a question. Information on each scenario will be provided to the board within the next few Board meetings.

9:40 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 5-0.

Warrant signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 6/27/13 in the amounts of \$215,376.84 and \$1,841,527.73 respectively.

Document signed:

MOU Creation of town-wide Information System Technology Department  
Waterline Industries

Subordination Agreement, Rockport Affordable Housing, Inc.

Amended and Restated CDBG Note, Rockport Affordable Housing, Inc.

Master Subordination Agreement

Estoppel Certificate, Rockport Affordable Housing

Subordination Agreement, Rockport Affordable Housing

Amended and Restated CDBG Note, Rockport Affordable Housing

Outdoor Display of Goods, Himalayan Crafts

Gil Clark, Meadow Road, Street Performer's License

Hawkers & Pedlers License, Ann Marie Ryan, 8 Fair Street, Gloucester

Hawkers & Pedlers License, Thomas Sharpiro

Hawkers & Pedlers, Paul F. Ryan, 19 Taylor Street

Hawkers & Pedlers, Aaron Cilluffo, 4 Doanne Road, Gloucester

Hawkers & Pedlers, Robert Orlando, 6 Orchard Way

Arnold Morton, Little Arts Cinema, showing motion pictures at Spiran Hall

Hawkers & Pedlers, William "Billy" Goulart, Nana's Fried Dough

Street Performer Permit, Anand Fedele, 14 Ocean Avenue,

Brendan Evans, 77 High Street